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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,900	12/26/2001	Douglas M. Fieldhouse	CSZ 303	8315

23581 7590 03/01/2006

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EXAMINER
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TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/032,900	<b>Applicant(s)</b> FIELDHOUSE ET AL.	
	<b>Examiner</b> BINH K. TIEU	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Applicants' Remarks, filed 12/27/2005, with respect to the rejection(s) of claim(s) 1-55 under the combination of previous cited references have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the combination of Hanson et al. (US Pat. #: 5,812,945) and Dahm et al. (US Pat. #: 6,466,783).

In response to the Applicants' arguments stated in the above mentioned remarks wherein the Applicants mainly argued and focused on that the previous cited prior art, in the combination or alone, fails to clearly teach:

- a) a recharge option is installed in a wireless telephone device, and
- b) the recharge option is configured to initiated both a connection to the communication network and a recharge transaction with the recharge service via the communication network, in order to add calling units to the stored-value calling account. However, the newfound reference, Hanson et al. (US Pat. #: 5,812,945), is believed to teach such features.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (US Pat. #: 5,812,945) in view of Dahm et al. (US. Pat. #: 6,466,783 *as cited in the previous Office Action*).

Regarding claims 1, 24, 47 and 53-55, Hanson et al. ("Hanson") teaches a wireless telephone device having an associated stored-value calling account, the wireless telephone device comprising:

a communications program configured to communicate with a recharge service via a communication network (i.e., a program would go to refill if the refill was desired by a user; and a process of dialing out a call in a wire communication network such as a wireless connection between an antenna of the cellular phone 500 and an antenna 509 of the data center 510 as shown in figure 1); and

a recharge option selectable by a user (i.e., refill option is desired by the user), the recharge option being configured to cause the communications program to initiate both a connection to the communication network (i.e., wireless connection is initiated between the

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antenna of the cellular phone 500 and the antenna 509) and a recharge transaction with the recharge service (i.e., with VRU 499, Computer 511 and Vault 512 of Data Center 510) via the communication network, in order to add calling units to the stored-value calling account (note col.4, line 59 through col.5, line 28).

It should be noticed that that Henson teaches a key of keypad is pressed for displaying the remaining funds (see col.4, lines 61-64). Henson fails to clearly teach a key of keypad as a selector being pressed as initiating refill service. However, Dahm et al. ("Dahm") teaches such feature in col.8, lines 8-10 and figure 5.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the teaching of Dahm into that of Hanson thus making it possible to activate services using any known input means.

Regarding claims 2-23, 25-46 and 48-52, the combination teaches limitations of the claims (see Dahm in figure 2A see col.4, lines 24-62 and col.8, line 36 through col.10, line 67) and (see Hanson in figures 3A to 3F, note col.3, line 53 through col.4, line 7).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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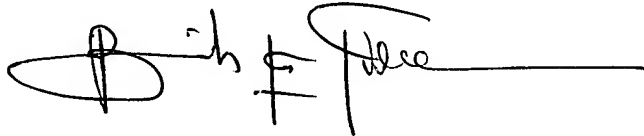
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A handwritten signature in black ink, appearing to read 'Binh Tieu', with a long horizontal line extending to the right.

**BINH TIEU**  
**PRIMARY EXAMINER**

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Date: February 22, 2006